

IV. B. 29. Underground Storage Tanks

- a) Background. Underground storage tanks (USTs) were deemed needing to come under the regulatory control of the Federal government in the late 1970's when it was recognized that leaks from USTs posed a serious threat to the drinking water supplies of approximately 50 percent of the U.S. population and that many USTs were aging and probably starting to leak into the groundwaters of the United States. The problems associated with leaks were due to the technologies and installation and spill containment practices used up to that time. These included, among other things,

Cathodic corrosion of ferrous components of underground fuel systems such as USTs and related piping/connections;

Collapse/rupture of improperly installed structural fiberglass USTs;

Lack of adequate secondary containment areas;

Improper clean-up of small spills at fill inlets; and

Inaccurate detection of leaks.



The Hazardous and Solid Waste Amendments of 1984 (HSWA) required that all significant USTs be registered and rehabilitated to address these issues. Several exemptions were provided to cover smaller non-commercial USTs such as residential septic tanks. New standards were also created by the U.S. Environmental Protection Agency (EPA) to cover the installation and recordation of both newly installed and existing USTs with a final threshold of implementation of 1988.



Rural Development personnel involved with loanmaking and property disposition activities should be aware that any property has the potential for the presence of a leaking UST and this point should be thoroughly researched. If the presence of a UST is confirmed, the Rural Development State Environmental Coordinator should be consulted for further direction.

b) Governing Regulations.

(1) Federal.

- (A) Resource Conservation and Recovery Act of 1976, as amended.
- (B) Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.
- (C) Superfund Amendments and Reauthorization Act of 1986.
- (D) Emergency Planning and Community Right-to Know Act of 1986.
- (E) Federal Insecticide, Fungicide, and Rodenticide Act.
- (F) Hazardous and Solid Waste Amendments of 1984.
- (G) U.S. Executive Order 11514, Protection and Enhancement of Environmental Quality.
- (H) National Environmental Policy Act, 42 U.S.C. 4321.
- (I) Title 7, Part 1b and 1c, Code of Federal Regulations, U.S. Department of Agriculture's National Environmental Policy Act.

(2) State.

- (A) Title 25, Article 8, Colorado Revised Statutes 1973, as amended, the Colorado Water Quality Control Act.
- (B) Title 25, Article 1, Colorado Revised Statutes 1973, as amended.
- (C) Colorado Solid Waste Act, Section 30-20-101 et seq., Colorado Revised Statutes, and implementing regulations, 6 CCR 1007-2.
- (D) Colorado Hazardous Waste Act, Section 25-15-101 et seq., Colorado Revised Statutes.



- c) Policy. Individuals who are exposed to toxic chemicals in the ground or water near their residence, place of work, or other activity areas due to leaking underground storage tanks (USTs) may be exposed to biological hazards with a risk factor in excess of the norm, perhaps critical. All tanks located in the ground are subject to oftentimes unseen long-term leakage risks due to structural, corrosive, and other failures to tanks and related fittings. Secondary containment and leak detection systems are, therefore, critical components in the design of such facilities.

Congress enacted Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (HSWA) to control and prevent leaks from underground storage tanks (USTs). Subtitle I regulates USTs storing certain regulated hazardous substances, including petroleum products, but not Resource, Conservation, and Recovery Act (RCRA) classified hazardous wastes. Hazardous wastes are regulated separately under Subtitle C of RCRA.

Existing USTs covered by Subtitle I (see "Classification", below) were required to be notified to the Colorado Department of Public Health and Environment (CDPHE) by May 1986 and be either closed or brought up to the design standard for new USTs by December 1988. New USTs covered by Subtitle I must comply with strict design and operating procedures. The ongoing requirement is for the seller of a property possessing a UST to notify the buyer of each UST's age, size, type, location, use, and general CDPHE notification requirements.

The U.S. Environmental Protection Agency (EPA) has established ongoing notification requirements through the Colorado Department of Public Health and Environment (CDPHE) for owners of underground storage tanks (USTs).

Rural Development would become the owner of any USTs located on foreclosure properties and would become responsible for the identification of any UST related leaks as well as for pollution cleanups related to such leaking USTs. Rural Development employees should endeavor to identify all USTs located on properties under consideration for loanmaking or foreclosure. Rural Development employees should also endeavor to insure that CDPHE reporting requirements connected with such USTs are being complied with. Rural Development employees additionally have a responsibility to prudently report any observed significant releases from USTs on Rural Development lien properties to the EPA emergency spill Hotline number when observed.

- d) Classification. An underground storage tank is defined as any tank with at least 10 percent of its volume buried below ground, including any pipes attached to the tank.

Certain tanks are exempted. The EPA underground storage tank program does not apply to:

- (1) Farm and residential tanks holding 1,100 gallons or less of motor fuel used for non-commercial purposes.
- (2) Tanks storing heating oil used on the premises where it is stored.



- (3) Tanks on or above the floor of underground areas, such as basements or tunnels.
- (4) Septic tanks and systems for collecting wastewater and storm water.
- (5) Flow-through process tanks.
- (6) Emergency spill and overfill tanks.

e) Agency Jurisdiction:

- (1) Federal.

The U.S. Environmental Protection Agency (EPA) oversees the State of Colorado's underground storage tank program via the Waste Management Division within its Region VIII office which focuses on specific federal legislation which has been promulgated in this area. The EPA contact is:

U.S. EPA, Region 8
999 18th Street, Suite 500
Mail Code: 8P2-W-GW
Denver, CO 80202-2466

Phone: (303) 312-6137

http://www.epa.gov/region08/about_region8/contactr8/contactr8.html

- (2) State.

The Hazardous Materials and Waste Management Division of the Colorado Department of Public Health and Environment (CDPHE) is concerned with pollution releases associated with USTs. The contact is:

Colorado Department of Public Health and Environment
Hazardous Materials and Waste Management Division
4300 Cherry Creek Drive South
Denver, Colorado 80246

Contact: (303) 692-3300
(888) 569-1831 Customer Technical Assistance Line ext. 3320
(800) 518-5608 24-hour Emergency Spill Notification number

<http://www.cdphe.state.co.us/hm/hmhom.asp>

Most normal UST activities are covered by the Colorado Department of Labor and Employment, Oil Inspection Section. Colorado's Petroleum Storage Tank Program was established to protect public health and the environment. The program enforces



regulations governing the installation and safe operation of aboveground and underground petroleum storage tank facilities as well as the remediation of petroleum contamination when discovered. In addition, Oil Inspection Section field inspectors protect consumers by ensuring fuel pumps are calibrated to dispense fuel accurately, taking samples of fuel for lab analysis, verifying that facilities are in regulatory compliance, and responding to emergency situations such as accidental petroleum releases. The Petroleum Storage Tank Program also administers Colorado's Petroleum Storage Tank Fund, which reimburses eligible tank owners and operators, property owners, and lenders for allowable costs incurred in cleaning up petroleum contamination.

The Colorado Department of Labor and Employment, Oil Inspection Section may be contacted at

Colorado Department of Labor and Employment
Oil Inspection Section
1515 Arapahoe St. Tower 3 Suite 610
Denver, Colorado 80202-2117

(303) 620-4029 (Technical Assistance Line)

- f) Location of Resource. There are currently about 1.4 million tanks regulated under Subtitle I of RCRA. The vast majority of these tanks are used to store petroleum products for retail and industrial purposes. Less than 5 percent store hazardous substances. Of the 1.4 million tanks under regulation, about 80 percent are believed to be made of bare steel, which can corrode quickly, allowing contaminants to seep into the ground posing a significant threat to the environment.

It is recommended that the EPA 24-hour Hotline number be utilized if a significant release of hazardous or special waste is suspected.

- g) Other References:

- (1) U.S. Environmental Protection Agency. Underground Storage Program home page.

(Web-site)

<http://www.epa.gov/swerust1/>